

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE THE APPLICATION OF HORNBEAM
CORPORATION

REQUEST FOR DISCOVERY PURSUANT
TO 28 USC § 1782

Civ. No. 14 Misc. 424 (VSB)

**DECLARATION OF DAVID R. MICHAELI IN SUPPORT OF
MOTION TO INTERVENE AND AMEND THE COURT’S
PROTECTIVE ORDER TO PERMIT THE USE OF DISCOVERY**

DAVID R. MICHAELI makes this declaration pursuant to 28 U.S.C. § 1746.

1. I am an attorney in good standing in the State of New York and the bar of this Court and am associated with the law firm Hogan Lovells US LLP, counsel of record for discovery applicants Hornbeam Corporation (“**Hornbeam**”), Bracha Foundation (“**Bracha**”), and proposed intervenor Vadim Shulman (“**Shulman**”) (collectively, “**Applicants**”).

2. I make this declaration in support of Applicants’ motion to amend the Protective Order and permit Mr. Shulman to use discovery obtained in this action in recently initiated foreign proceedings in order to place before this Court certain documents and facts that are referred to in Applicants’ motion.

3. On May 12, 2017, Mr. Shulman filed foreign legal proceedings against Messrs. Kolomoisky and Bogolubov in the English High Court of Justice (the “**English Action**”), alleging, among other things, that “Defendants have failed to act in good faith and honestly in relation to Warren Steel, both as to the ownership of [Warren Steel Holdings, LLC] and in relation to its operations,” including by purportedly “borrow[ing] substantial sums from companies related to the Defendants and/or their associates”. As set forth in Applicants’

accompanying, unopposed Motion to Seal, Applicants seek permission to temporarily file the pleadings from the English Action under seal as they have not yet been made available to the public by the English Court. If approved by the Court, applicants will re-file this Declaration to include a true copy of the May 12, 2017 Proof of Claim filed by Mr. Shulman in the English High Court of Justice as **Exhibit A**. Applicants will also include a true copy of the May 12, 2017 Particulars of Claim Mr. Shulman filed in support of his English Action as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 30, 2017 in New York, New York.

/s/ David R. Michaeli

DAVID R. MICHAELI